

### **DECLARATION OF GWENDA HARRISON**

I, Gwenda Harrison, am over 18 years of age and am competent to testify. I declare as follows:

1. I live in Accokeek Maryland, in Prince George's County, and I have been self-employed as a licensed massage therapist in Maryland since 2003. I have Limited Liability Company registered in Maryland as GwendaK LLC and doing business as GwendaK Healing Massage Therapy.

2. I stopped working on March 17, 2020 because of the COVID-19 pandemic and mandatory shutdown orders.

3. In late March 2020, I learned that I may be eligible for Pandemic Unemployment Assistance (PUA), a benefits program which supported self-employed people like me who were out of work because of the pandemic.

4. I first tried to set up an account through the Maryland Department of Labor's (MDL's) BEACON system in late March 2020, but the system initially would not allow me to register because it had problems accepting my Social Security Number.

5. I first was able to complete an application for unemployment benefits through BEACON in late April 2021, using my LLC's Employer Identification Number (EIN). As part of my application, I answered questions indicating that I was self-employed and uploaded all documents that MDL requested, including the 2019 Schedule C tax form for my sole proprietorship.

6. I elected to receive my BEACON communications via email but I did not consistently receive them in that way. Sometimes communications would appear in BEACON that I had not received an email about.

**EXHIBIT 7**

7. Finding “correspondence” from MDL in BEACON was not intuitive for me. I did not know that I was supposed to leave the search fields under the correspondence tab blank and then hit “search” without specifying what I was searching for. I only figured this out when a friend who is not at MDL explained it to me in 2021.

8. Over the next several months, I contacted MDL multiple times by phone and the BEACON’s live chat for to inquire about the status of my application. I also advised MDL that BEACON was not allowing me to file weekly certifications, as needed to secure benefits, and that my BEACON “claim information” page had classified me as a claimant for Regular unemployment insurance (UI) benefits even though I should have been classified as PUA. I was told repeatedly that the system would “fix itself” or “update itself” and that I would then be able to file weekly certifications and receive a determination letter and a debit card in the mail.

9. On July 6 2020, more than three months after I first applied, I received correspondence from MDL via BEACON confirming that the agency had received my application and acknowledging that “[d]ue to a technical issue, you may not have received this correspondence or been alerted to its availability through your preferred method of communication.” The July 6 letter did not include any determination as to my eligibility for benefits, nor information about when I could expect one. I continued to wait for benefits.

10. In the summer of 2020, I began working again, but on a limited part-time basis.

11. Throughout the summer of 2020, I continued to try to resolve my problems getting benefits through MDL, including by contacting my U.S. Congressman.

12. In October 2020, I communicated with a MDL representative named Giselle Watts who confirmed that I was eligible for benefits because my earnings remained below \$430 per week. Ms. Watts advised me to re-upload my Schedule C and expect correspondence from

MDL via the postal service. While on the phone with me, Ms. Watts also told me that she was filing weekly certifications on my behalf for the prior weeks when BEACON would not permit me to file.

13. Approximately two weeks later, I advised Ms. Watts that I still had not received any mail from MDL, that my BEACON account continued to indicate that MDL was processing my application as an application for regular UI even though I had indicated eligibility for PUA, and that the account still would not consistently let me submit weekly certifications for benefits. Ms. Watts again confirmed that I was eligible for PUA but told me that I had not filed all my certifications, ignoring my explanation that BEACON was not letting me do so. Unhelpfully, Ms. Watts told me, by email, that “if you do not want to apply, then you cannot receive benefits.” One of her emails to me was in all caps, which I understood to mean that she was annoyed and angry with me (see Attachment).

14. In a “Statement of Wages and Monetary Eligibility” dated November 16, 2020, the agency issued its first decision on my April 2020 application for benefits, stating without any explanation that it had determined that I was eligible for \$0 in regular UI. The November 16 letter did not make any determination as to my eligibility for any other type of unemployment benefit, including PUA. During the next seven months, I continued to contact MDL repeatedly by phone and through my elected representatives to ascertain the status of my PUA benefits. I did not receive any substantive response or any benefits.

15. On June 14, 2021 – more than a year after I made my first claim for benefits, MDL issued a “Pandemic Unemployment Assistance Eligibility Determination and Statement of Wages or Net Income” through BEACON determining that I was eligible for \$176/week in PUA for the weeks ending March 15, 2020, through September 4, 2021, plus FPUC benefits equal to

\$600/week for the weeks ending April 4, 2020 through July 25, 2020 and \$300/week for January 2, 2021 onwards.

16. Also on June 14, 2021, MDL paid a portion of the benefits it approved for me. However, it did not pay me any benefits at all for the weeks ending March 21, 2020, through October 3, 2020, notwithstanding that the agency had determined I was eligible for benefits during those weeks. MDL also did not pay me the additional FPUC amount for weeks when I should have received it.

17. MDL provided no explanation for its failure to pay several weeks of benefits it had approved for me.

18. I tried to follow up with MDL, including through email communication with Secretary Tiffany Robinson, to ask about when the agency would pay the remainder of my benefits. At some point, an MDL representative advised me to re-send my Schedule C a third time, which I did.

19. I finally received the remainder of the benefits owed to me on September 24, 2021, approximately 18 months after my initial application for benefits, and three months after MDL's written determination of my eligibility for PUA and FPUC.

20. I suffered significant stress and frustration as a result of my experience of not receiving benefits to which I was entitled – or even a written determination of my eligibility – for over a year after I became unemployed. It was particularly frustrating to me as a Maryland resident and business owner who had been paying taxes and annual business fees for years. My husband and I had to dip into on his limited retirement savings to pay our living expenses during this period.

21. I know that there are many others who have had difficulty accessing unemployment benefits in Maryland like I have. For example, I am part of various Facebook groups for massage therapists in the state. Members often complained on those group pages about the problems they were having with BEACON or with obtaining their benefits, and others would offer them tips based on their own experience about how to navigate the system.

I declare under penalty of perjury that the foregoing is true and correct.

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Gwenda Harrison

11/23/2021

Date